

HOUSE BILL No. 1323

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-12-17; IC 9-24; IC 9-29.

Synopsis: Various motor vehicle matters. Provides that in the case of certain newly licensed drivers issued licenses after June 30, 2009, a driver may operate a motor vehicle during the 180 days after issuance of the license only if the motor vehicle bears a placard or an indicator issued by the bureau of motor vehicles (bureau) showing that the driver is newly licensed. Provides that the holder of a learner's permit issued after June 30, 2009, may operate a motor vehicle only if the motor vehicle bears a placard or an indicator issued by the bureau showing that the driver is newly licensed. Provides for a fee of \$2 for the placard or indicator to be paid to the bureau. Requires the driver of a school bus to stop the school bus before crossing certain railroad tracks. (Current law requires the driver to stop only when carrying a passenger.) Authorizes an individual less than 18 years of age to operate a motor vehicle in which there are passengers if the licensed operator is accompanied by a parent, guardian, or stepparent of the operator who is: (1) not a licensed driver; (2) at least 21 years of age; and (3) present in the front seat of the motor vehicle.

Effective: July 1, 2009.

Duncan

January 13, 2009, read first time and referred to Committee on Roads and Transportation.

C
o
p
y



Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1323

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-21-12-17, AS AMENDED BY P.L.107-2006,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 17. (a) Except as provided in subsection (b),
4 before crossing any railroad track at grade, the driver of a school bus
5 or special purpose bus ~~carrying a passenger~~ shall stop the bus within
6 fifty (50) feet but not less than fifteen (15) feet from the nearest rail.
7 While the bus is stopped, the driver shall:
8 (1) listen through an open door;
9 (2) look in both directions along the track for an approaching
10 train; and
11 (3) look for signals indicating the approach of a train.
12 The driver may not proceed until it is safe to proceed. When it is safe
13 to proceed, the driver shall select a gear that will allow the driver to
14 cross the tracks without changing gears. The driver may not shift gears
15 while crossing the tracks.
16 (b) The driver is not required to stop when a police officer is
17 directing the flow of traffic across railroad tracks.

2009

IN 1323—LS 6206/DI 96+



C
o
p
y

(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.

SECTION 2. IC 9-24-7-4, AS AMENDED BY P.L.156-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.

(2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, stepparent, or relative of the holder who is at least twenty-one (21) years of age and holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(5) This subdivision applies only to an individual who is issued a learner's permit after June 30, 2009. If the motor vehicle has a rear back window, the holder may participate in practice driving only if there is displayed in the rear back window of the motor vehicle a placard obtained from the bureau to indicate that the holder of the learner's permit has newly been issued a driver's license.

(6) This subdivision applies only to an individual who is issued a learner's permit after June 30, 2009. If the motor vehicle does not have a rear back window, the holder may participate

C
o
p
y



1 in practice driving only if there is displayed on the motor
 2 vehicle an indicator obtained from the bureau to indicate that
 3 the holder of the learner's permit has newly been issued a
 4 driver's license.

5 SECTION 3. IC 9-24-11-3, AS AMENDED BY P.L.184-2007,
 6 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2009]: Sec. 3. (a) A license issued to an individual less than
 8 eighteen (18) years of age is a probationary license.

9 (b) An individual holds a probationary license subject to the
 10 following conditions:

11 (1) Except as provided in IC 31-37-3, the individual may not
 12 operate a motor vehicle during the curfew hours specified in
 13 IC 31-37-3-2.

14 (2) During the ninety (90) days following the issuance of the
 15 probationary license, the individual may not operate a motor
 16 vehicle in which there are passengers unless another individual
 17 who:

18 (A) is at least twenty-one (21) years of age and

19 ~~(B)~~ holds a valid operator's license issued under this article; or

20 **(B) is the individual's parent, guardian, or stepparent who**
 21 **is at least twenty-one (21) years of age;**

22 is present in the front seat of the motor vehicle.

23 (3) The individual may operate a motor vehicle only if the
 24 individual and each occupant of the motor vehicle has a safety
 25 belt properly fastened about the occupant's body at all times when
 26 the motor vehicle is in motion.

27 **(4) This subdivision applies only to an individual who is issued**
 28 **a probationary license after June 30, 2009. During the one**
 29 **hundred eighty (180) days following the issuance of the**
 30 **probationary license, the individual may operate a motor**
 31 **vehicle only if the motor vehicle bears a placard or indicator**
 32 **as required under section 3.5 of this chapter.**

33 (c) An individual who holds a probationary license issued under this
 34 section may receive an operator's license, a chauffeur's license, a public
 35 passenger chauffeur's license, or a commercial driver's license when the
 36 individual is at least eighteen (18) years of age.

37 (d) Except as provided in subsection (e), a probationary license
 38 issued under this section:

39 (1) expires at midnight of the twenty-first birthday of the holder;
 40 and

41 (2) may not be renewed.

42 (e) A probationary license issued under this section to an individual

C
o
p
y



who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the twenty-first birthday of the holder.

SECTION 4. IC 9-24-11-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.5. (a) This section applies only to an individual who, after June 30, 2009, is issued:**

(1) an operator's license; or

(2) a motorcycle operator's license.

(b) If an individual has not previously been issued a driver's license, during the one hundred eighty (180) days following the issuance to the individual of:

(1) an operator's license; or

(2) a motorcycle operator's license;

the individual is subject to subsections (c) and (d).

(c) An individual to whom subsection (b) applies may operate a motor vehicle that has a rear back window only if there is displayed in the rear back window of the motor vehicle a placard obtained from the bureau to indicate that the operator of the motor vehicle is newly licensed.

(d) An individual to whom subsection (b) applies may operate a motor vehicle that does not have a rear back window only if there is displayed on the motor vehicle an indicator obtained from the bureau to indicate that the individual operating the motor vehicle is newly licensed.

SECTION 5. IC 9-29-1-2, AS AMENDED BY P.L.63-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2. (a) Money from the increases in fees levied by the 1969 regular session of the general assembly in IC 9-18-2, IC 9-18-5, IC 9-18-6, IC 9-18-7, IC 9-18-9, IC 9-18-10, IC 9-18-16, IC 9-24-3, IC 9-24-4, IC 9-24-5, IC 9-24-7, IC 9-24-8, IC 9-24-10, IC 9-24-11, IC 9-24-12, IC 9-24-13, IC 9-24-14, and IC 9-29-9-15 (IC 9-1-4 before its repeal on July 1, 1991) shall be deposited daily with the treasurer of state and credited to the highway, road, and street fund established under IC 8-14-2-2.1.**

C
o
p
y



(b) For the purpose of providing adequate and sufficient funds for the crossroads 2000 fund established under IC 8-14-10-9, and subject to subsection (c), after June 30, 1997, with the approval of the bureau of motor vehicles commission the bureau of motor vehicles may adopt rules under IC 4-22-2 to increase, by an amount that is in addition to the fees specified by statute, the fees under the following:

IC 9-29-4-3

IC 9-29-5

IC 9-29-9-1

IC 9-29-9-2

IC 9-29-9-3

IC 9-29-9-3.5

IC 9-29-9-4

IC 9-29-9-5

IC 9-29-9-6

IC 9-29-9-7

IC 9-29-9-8

IC 9-29-9-9

IC 9-29-9-10

IC 9-29-9-11

IC 9-29-9-13

IC 9-29-9-14

IC 9-29-15-1

IC 9-29-15-2

IC 9-29-15-3

IC 9-29-15-4

The amount of fees increased under this section shall first be deposited into the crossroads 2000 fund established under IC 8-14-10-9.

(c) The bureau's authority to adopt rules under subsection (b) is subject to the condition that a fee increase must be uniform throughout all license branches and at all partial service locations in Indiana.

(d) If a fee imposed by a statute listed in subsection (b) is eliminated, the amount of the fee increase set forth in a rule adopted under this section before July 1, 2007, with respect to the fee must be:

(1) collected by the bureau notwithstanding the elimination of the underlying fee;

(2) collected in addition to all other fees collected at the time of the underlying transaction; and

(3) deposited in the crossroads 2000 fund established under IC 8-14-10-9.

SECTION 6. IC 9-29-9-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

**C
o
p
y**



1 1, 2009]: Sec. 3.5. The fee for a placard or other indicator required
2 to be displayed in or on a motor vehicle under:
3 (1) IC 9-24-7-4(5);
4 (2) IC 9-24-7-4(6);
5 (3) IC 9-24-11-3(b)(4); or
6 (4) IC 9-24-11-3.5;
7 is two dollars (\$2).

**C
o
p
y**

